United Nations CEDAW/C/AZE/CO/5

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of Azerbaijan*

1. The Committee considered the fifth periodic report of Azerbaijan (CEDAW/C/AZE/5) at its 1279th and 1280th meetings, on 18 February 2015 (see CEDAW/C/SR.1279 and 1280). The Committee's list of issues and questions is contained in CEDAW/C/AZE/Q/5 and the responses of Azerbaijan are contained in CEDAW/C/AZE/Q/5/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its fifth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the constructive dialogue with the delegation, the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its high-level delegation, which was headed by the Chair of the State Committee for Family, Women and Children's Affairs, Hijran Huseynova, and included the deputy ministers of internal affairs, health, labour and social protection, economy and industry, youth and sports and education; the Deputy Chair of the State Committee on Statistics; representatives of the ministries of justice, foreign affairs and finance; and the Permanent Representative of Azerbaijan to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2009 of the State party's fourth periodic report (CEDAW/C/AZE/CO/4) in undertaking legislative reforms, in particular the adoption of:

* Adopted by the Committee at its sixtieth session (16 February-6 March 2015).

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(a) The Law on Amendments to the Family Code, setting the minimum age of marriage at 18 years for both women and men, in 2011;

(b) Amendments to the Criminal Code criminalizing trafficking, including a provision on forced and child marriages (art. 176-1), in 2011;

(c) The Law on the Prevention of Domestic Violence, in 2010.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the following:

(a) The State programme on social rehabilitation and reintegration of children victims of human trafficking, adopted in 2014;

(b) The strategic plan of the Ministry of Health for 2014-2020, providing for accessibility of modern methods of contraception, adopted in 2014;

(c) The development strategy "Azerbaijan: Vision 2020", which makes gender equality a cross-cutting goal, endorsed in 2012;

(d) The third national action plan (2014-2018) on combating trafficking in human beings.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the following international instruments:

(a) Workers with Family Responsibilities Convention, 1981 (No. 156), of the International Labour Organization;

(b) Maternity Protection Convention, 2000 (No. 183), of the International Labour Organization.

C. Principal areas of concern and recommendations

National Assembly

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

Visibility of the Convention and the Optional Protocol

8. The Committee acknowledges the two decisions of the Ganja Court of Appeal in which references were made to the Convention (cases of Ahmadov and Mammadov) as reflected in the replies of Azerbaijan to the list of issues and questions (CEDAW/C/AZE/Q/5/Add.1). It remains concerned, however, about the lack of visibility and direct application of the Convention and the fact that there are still few cases involving sex- and gender-based discrimination in the national courts.

9. **The Committee recommends that the State party:**

(a) **Raise awareness among women of their rights under the Convention and of the procedures under the Optional Protocol thereto;**

(b) **Encourage women to report cases of sex- and gender-based discrimination to the relevant judicial and quasi-judicial bodies;**

(c) **Further strengthen legal education and capacity-building programmes for judges, prosecutors and lawyers on the Convention, the Optional Protocol, the Committee's general recommendations and the Committee's views on individual communications and inquiries, to enable them to invoke and/or refer to the provisions of the Convention directly to interpret national legislation in line with the Convention.**

Participation of women in peace processes

10. The Committee appreciates the State party's efforts to involve more women in peacebuilding initiatives and commends the establishment of the Regional Congress of South Caucasian Women for that purpose. The Committee welcomes the recognition by the State party's delegation of the importance of developing a national action plan to implement Security Council resolution 1325 (2000). The Committee regrets that no time frame has been given for the adoption of the national action plan.

11. **The Committee urges the State party to establish a clear time frame to develop and adopt a national action plan to implement Security Council resolution 1325 (2000), in cooperation with representatives of women's organizations, and:**

(a) **To take into consideration the full spectrum of the Security Council's agenda on women and peace and security as reflected in Council resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013), as well as the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations;**

(b) **To ensure the participation of women as negotiators and mediators in all peace negotiation efforts, including those initiated by third-party States participating in conflict-resolution processes, either individually or as members of international organizations;**

(c) **To provide leadership training to women in order to ensure their effective participation in conflict resolution and post-conflict political processes.**

Internally displaced women and girls

12. The Committee notes the State programmes implemented over the past years aimed at supporting internally displaced persons, the majority of whom are women and girls. It remains concerned, however, about their living conditions and high unemployment rate, as well as their lack of income-generating opportunities. It is concerned that internally displaced women and girls face a high risk of domestic violence, early and forced marriage, labour exploitation and trafficking, poverty and discrimination in access to education, health care and participation in political and public life. The Committee is also concerned at the limited involvement and

consultation of internally displaced women in the planning and implementation of policies and programmes aimed at addressing their needs.

13. **The Committee recommends that the State party:**

(a) **Ensure the security of internally displaced women and girls and adopt measures for their protection, in particular in cases of violence, place more emphasis on the prevention of violence against internally displaced women and girls and prosecute perpetrators;**

(b) **Allocate adequate resources to meet the needs of internally displaced women, concerning in particular their access to adequate income-generating and education opportunities for themselves and their children;**

(c) **Ensure that internally displaced women and girls have adequate access to health-care services, education and freedom of movement.**

National machinery for the advancement of women

14. The Committee notes with concern that, despite support from the political leadership, efforts by the State Committee for Family, Women and Children's Affairs to promote the advancement of women are hampered by an unclear and fragmented mandate as well as a lack of authority to effectively ensure Government-wide mainstreaming of a gender equality perspective in all policymaking processes. The Committee is further concerned that gender focal points in the relevant government institutions are not positioned at decision-making levels, have not been established in all regions and are unable to effectively promote a gender perspective in all legislation, policies, programmes and projects. The Committee is also concerned that there is still no national plan of action to promote gender equality and to address the gaps between de jure and de facto equality.

15. **The Committee recommends that the State party:**

(a) **Strengthen the capacity of the State Committee for Family, Women and Children's Affairs by upgrading it to a fully fledged ministry in order to improve its effective functioning as a national machinery responsible for the advancement of women and the full implementation of the Convention; establish clear terms of reference for gender focal points in government institutions; and provide them with adequate human, financial and technical resources;**

(b) **Adopt a national action plan on gender equality and the advancement of women, taking into account, inter alia, recommendations in the present concluding observations;**

(c) **Develop focused terms of reference for gender focal points in all regions and branches and ensure that they occupy decision-making positions.**

Non-governmental organizations and women human rights defenders

16. The Committee notes with concern that a series of legislative amendments passed in 2014 potentially affect the ability of independent non-governmental organizations to operate in the country. While the regulation and transparency of funding is necessary, the Committee is of the view that some of the amendments may negatively affect the activities of non-governmental and civil society

organizations, in particular women's organizations, and unduly restrict their operations. The Committee is also concerned at reports of restrictions on the work of women journalists and human rights defenders, including some cases of arrest and detention.

17. **The Committee urges the State party:**

(a) **To review the legislative amendments and ensure that they do not adversely affect the activities of non-governmental and civil society organizations, in particular women's organizations, and ensure an enabling environment in which women's organizations can be freely established and may freely operate and mobilize resources;**

(b) **To ensure full respect for the rights of women journalists and human rights defenders.**

Temporary special measures

18. The Committee is concerned that, despite the provision in article 3.2.6 of the law on guarantees of gender equality, temporary special measures have been underutilized by the State party to accelerate de facto equality and to address the underrepresentation of women in public and political life as well as the situation of disadvantaged and marginalized women who are subjected to intersecting forms of discrimination, such as rural women, women with disabilities, internally displaced women, refugees and older women.

19. **The Committee recommends that the State party adopt temporary special measures, including quotas, in accordance with article 4 (1) of the Convention and in line with the Committee's general recommendation No. 25 on the subject, as part of a necessary strategy to accelerate the achievement of substantive equality between women and men. It also recommends that the State party adopt temporary special measures targeting disadvantaged and marginalized groups of women, including rural women, women with disabilities, internally displaced women, refugees and older women, evaluate the impact of such measures and make its findings, including gender-relevant statistics, available to the public.**

Stereotypes and harmful practices

20. The Committee notes with concern that, despite the recommendations contained in its previous concluding observations (CEDAW/C/AZE/CO/4, para. 20), patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society remain deeply rooted, as partly reflected in male-child preference leading to a high adverse sex ratio of newborn children of 116 boys to 100 girls. The Committee notes that stereotypes are exacerbated by educational materials and portrayals of women in the media that replicate existing stereotypes of the dominant position of men in Azerbaijani society and undermine women's social status, their equal participation in public life and their representation in paid employment.

21. **The Committee urges the State party:**

(a) **To adopt, without delay, a multisectoral plan of action aimed at eliminating the phenomenon of male-child preference;**

(b) To vigorously address the stereotypes underlying male-child preference by intensifying efforts to educate women and men, including public officials, and raise their awareness of existing sex-based stereotypes that persist in all spheres of society, with a view to eliminating them;

(c) To raise the awareness of the media, including radio, television and printed media, of the need to eliminate gender stereotypes by portraying positive images of women as active participants in social, economic and political life;

(d) To regularly monitor and review the measures taken to eliminate gender stereotypes in order to assess their impact.

Violence against women

22. The Committee welcomes the information provided by the State party's delegation concerning the current consideration by the Cabinet of Ministers of the national strategy and the national action plan on the prevention of domestic violence, and the establishment of an online database on violence against women. The Committee remains concerned, however, at:

(a) The lack of implementation of the Law on the Prevention of Domestic Violence, as reflected by the modest number of cases reported and long-term and short-term protection orders issued;

(b) The lack of systematic collection of data on domestic violence;

(c) The limited number of support and referral centres for victims of domestic violence, which are mainly run by non-governmental organizations;

(d) The small number (currently only three) of State-funded shelters for women who are victims of domestic violence, under the authority of the Ministry of Social Affairs and Labour Protection;

(e) The delay in the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

23. **Recalling its general recommendation No. 19 on violence against women, the Committee urges the State party:**

(a) To adopt without delay the national strategy on the prevention of domestic violence and the national action plan on the prevention of domestic violence, and allocate adequate resources for their implementation;

(b) To put in place a system to collect comprehensive data on all forms of violence against women, disaggregated by age, urban and rural areas and relationship between the victim and the perpetrator;

(c) To establish State-funded support and referral centres for victims of violence throughout the country and strengthen cooperation with relevant non-governmental organizations in this respect;

(d) To increase the number of State-funded shelters for women who are victims of violence, especially in the regions, and establish a round-the-clock national helpline for victims;

(e) To set a time frame for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Trafficking and exploitation of prostitution

24. The Committee notes with appreciation the legislative and policy measures and programmes aimed at ensuring the effective protection of women and girls who are victims of trafficking. The Committee is, however, concerned:

(a) That the State party remains a country of origin, transit and destination of trafficking in women and girls for purposes of sexual exploitation and forced labour;

(b) That the implementation of the policy framework on the national referral mechanism to combat human trafficking continues to be weak;

(c) That the Criminal Code lacks specific provisions that prohibit pornography involving children, including girls, and that legal entities cannot be held criminally liable for such offences under national law;

(d) That State recovery and reintegration measures are limited to victims of trafficking and do not adequately take into account the needs of women and girls exploited in pornography and girls who are victims of sale and prostitution;

(e) That there are no official statistics on street children, particularly girls, who are highly vulnerable to human trafficking;

(f) That no research is available on the root causes of prostitution in the country.

25. **The Committee recommends that the State party:**

(a) Provide local commissions on the affairs and human rights of minors with the necessary human, financial and technical resources enabling them to identify, respond to and prevent cases of women and girls being sold into prostitution, or subjected to organ trafficking and slave labour; and empower or restructure the national child protection system to implement the core aspects of the child protection policy, particularly for girls;

(b) Ensure the full implementation of the policy framework on the national referral mechanism to combat human trafficking;

(c) Amend legal provisions so as to criminalize pornography with the involvement of children, particularly girls, and establish criminal liability of legal entities for such cases;

(d) Ensure that State recovery and reintegration measures take into account the needs of children, particularly girls, who are victims of sale, prostitution and pornography offences;

(e) Improve the collection of data on the situation of street children, particularly girls, to ensure systematic sex-disaggregated data collection;

(f) Conduct research on the factors driving women into prostitution and increase the availability of rehabilitation/reintegration programmes and centres for women and girls wishing to leave prostitution.

Participation in political and public life

26. The Committee welcomes the information provided by the State party's delegation with regard to the increase in the proportion of women holding positions at the municipal level to 35 per cent in 2014, and on the presidential special order on appointment of women to the position of deputy heads of executive power in the regions. The Committee is concerned, however, that women remain significantly underrepresented in national and local legislative bodies, in the Government and in the civil service, particularly in senior and decision-making positions.

27. **The Committee recommends that the State party ensure the full and equal participation of women in political and public life and in the civil service, especially at the senior and decision-making levels. In particular, it recommends that the State party introduce mandatory quotas for women candidates on electoral lists of political parties or introduce an alternative system that will ensure that women account for at least 30 per cent of those elected; and adopt other temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject, such as a gender parity system for appointments and accelerated recruitment of women in senior positions.**

Education

28. The Committee welcomes the high literacy rates among women and men, as well as the official enrolment rate of girls in secondary education, but remains concerned at:

(a) The low secondary school attendance rate among girls in rural areas and in settlements for refugees and internally displaced persons, as well as the actual dropout rate of girls at the secondary level of education, owing in part to child marriage;

(b) The lower admission rate of women compared with men to undergraduate study programmes;

(c) Stereotypical choices of educational fields, which translate into the concentration of women in traditionally female-dominated professions in areas such as health care and the service industry;

(d) The continued existence of gender stereotypes in educational materials;

(e) The absence of women's rights and gender equality as mandatory subjects in school curricula and in professional training for teachers.

29. **The Committee recommends that the State party:**

(a) **Take all measures necessary to reduce the school dropout rate among girls, including by preventing child marriage;**

(b) **Take the actions, including the use of temporary special measures, in accordance with article 4 of the Convention and the Committee's general recommendation No. 25 on the subject, necessary to increase the participation of women and girls in institutions of higher education, for example through the provision of scholarships;**

(c) Step up career guidance activities to encourage girls and young women to choose non-traditional fields of study and career paths;

(d) Revise schoolbooks and other teaching materials and remove, as a matter of priority, any discriminatory gender stereotypes;

(e) Introduce mandatory education on women's rights and gender equality into school curricula and into professional training for teachers at all levels of education.

Employment

30. The Committee notes the official statistical data showing low unemployment rates for women. It is nevertheless concerned about continued horizontal and vertical segregation in the labour market, whereby women are concentrated in low-paid and informal jobs; the wide gender wage gap; the lack of childcare facilities; and the lower pension benefits for women as compared with men.

31. **The Committee recommends that the State party:**

(a) Take measures to increase the participation of women in formal employment and strengthen efforts aimed at eliminating structural inequalities and occupational segregation of women and men, both horizontal and vertical;

(b) Adopt measures to implement the principle of equal pay for work of equal value in order to narrow and close the gender wage gap, while regularly reviewing the wages of men and women in all sectors;

(c) Facilitate the reconciliation of professional and private life for women and men, including by expanding the number of childcare facilities and introducing compulsory paternity leave;

(d) Address the adverse impact of career breaks relating to childbearing, part-time employment and the gender pay gap on women's pensions and other social security benefits.

Health

32. The Committee notes the efforts of the State party to improve access to affordable health-care services for all citizens. It remains concerned, however, about inadequate State expenditure on health, women's limited decision-making powers concerning their health status and discrepancies between the official indicators of maternal mortality and the related international estimates; infant mortality, particularly the difference between indicators of under-5 child mortality for boys and girls revealed in the Azerbaijan demographic and health survey of 2011; high rates of anaemia among women; the use of abortions as a major means of family planning, including a high number of sex-selective abortions and forced abortions; the very low use of modern contraceptive methods; and poor health-care infrastructure, especially in rural areas, and the inadequate skills of service providers. The Committee is also concerned at the absence of a law on sexual and reproductive health.

33. **The Committee urges the State party to improve women's access to high-quality health care, in line with its general recommendation No. 24 on women and health, and to take measures:**

(a) To intensify efforts aimed at the reduction of maternal mortality through, inter alia, the provision of accurate information on the prevalence rates, the definition and measurement of the phenomenon;

(b) To ensure the quality of antenatal, delivery and newborn care in order to lower maternal and neonatal mortality;

(c) To promote family planning and reproductive health education through, inter alia, age-appropriate sex education at schools;

(d) To promote the use of modern contraceptives among the population, including through the introduction of modern contraceptives into the essential drug list of the Ministry of Health;

(e) To adopt without further delay the law on the reproductive health of the population and family planning;

(f) To adopt the law on food fortification to address micronutrient deficiencies in women and children;

(g) To ensure wider coverage of programmes and services for prevention of mother-to-child transmission, especially in rural areas;

(h) To conduct awareness-raising campaigns to ensure the elimination of social stigma relating to HIV.

Economic empowerment of women

34. The Committee is concerned that women face discrimination in their economic empowerment and are exposed to many difficulties in gaining access to credit owing to traditional stereotypes of the role of women as a supplementary earner, lack of appropriate skills and institutional barriers that discourage women from taking out bank loans.

35. **The Committee recommends that the State party increase its efforts to encourage and support women's economic empowerment and entrepreneurship, especially among rural women, including by providing access to credit, land and other resources and training in microenterprise development and management, and monitor the impact of those initiatives on women.**

Rural women

36. The Committee is concerned about the limited access by rural women to land and related resources, as well as social and health services, economic opportunities, new forms of technology and participation in political and public life, including in decision-making processes at the community level. The Committee is also concerned about the lack of childcare facilities in rural areas and of shelters and other services for victims of domestic violence.

37. **The Committee recommends that the State party ensure that rural women have adequate access to land and related resources, social, health and other basic services, economic opportunities and new technologies, as well as equal opportunities to participate in political and public life, in particular in decision-making processes at the community level. It recommends that the**

State party ensure the availability of childcare facilities and shelters for victims of domestic violence in rural areas.

Family relations and early marriages

38. The Committee welcomes the equalization of the minimum legal marriage age for both women and men at 18 years, but remains concerned at the rising level of child marriages, their lack of reflection in official statistics and the lack of investigation and prosecution of such cases. The Committee is further concerned at the persistence of unregistered religious marriages (*Kabin*) that leave women and children with no legal protection. It is also concerned at the current marital property regime, which does not include intangible property such as pension rights within the marital property to be equally distributed upon divorce.

39. **The Committee urges the State party:**

(a) **To prevent early and child marriages through monitoring of the number of girls dropping out of school and through systematic investigation, prosecution and punishment of all those involved by law enforcement agencies;**

(b) **To take all measures necessary to enforce the prohibition on conducting religious marriages (*Kabin*) without prior formal registration, as well as to safeguard the rights of girls and women in unregistered marriages and their children;**

(c) **To take the legislative measures necessary to recognize intangible property, such as pensions and insurance benefits, as part of the joint property to be divided upon divorce.**

Beijing Declaration and Platform for Action

40. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

41. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

Dissemination

42. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the National Assembly and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such**

as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

Technical assistance

43. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties and human rights instruments

44. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party, as well as the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

Follow-up to the concluding observations

45. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (a) and (b) and 23 above.**

Preparation of the next report

46. **The Committee invites the State party to submit its sixth periodic report in March 2019.**

47. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**

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[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.